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PATENT  
Customer No. 22,852  
Attorney Docket No. 6530.0145-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Vincent TURTURRO et al. )

Application No.: 09/977,289 )

Filed: October 16, 2001 )

For: BIOPSY INSTRUMENT HAVING )  
IRRIGATION AND ASPIRATION )  
CAPABILITIES )

) Group Art Unit: 3736

) Examiner: TO BE ASSIGNED

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Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application.

Copies of the listed documents were previously submitted by applicants or cited by the Examiner in a prior application, application no. 09/079,168, filing date May 15, 1998, upon which applicants rely for the benefits provided in 35 U.S.C. § 120.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form. If the Examiner is unable to find any of the cited references, please call applicants' representative at (202) 408-6058 and she will gladly supply a copy.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 27, 2001

By: 

Jeanne M. Tanner  
Reg. No. 45,156

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com